

REMARKS

Upon entry of this amendment, claims 1-9 and 27-32 are pending. Claims 1-26 are cancelled.

Claims 1, 2, 7, and 8 have been amended. Claims 27- 32 have been added. No new matter has been added by way of this response.

Claims 1, 2, 7, and 8 have been amended so as to amplify the originally intended scope of the compounds of the invention to contain only one stylyl structure. Support for the amendments to claims 1, 2, 7, and 8 can be found at least at ¶¶0017, ¶¶0018, ¶¶0034, ¶¶0039, and ¶¶0046.

Support for new claims 27 and 30 can be found at least at ¶¶0034. Support for new claims 28 and 31 can be found at least at ¶¶0039. Support for new claims 29 and 32 can be found at least at ¶¶0046.

Withdrawn Rejections

Applicants acknowledge and thank the Office for withdrawing the rejection of claims 1, 2, and 5-9 under 35 U.S.C. 102(a) as being anticipated by Ishibashi et al. (WO2004/003104).

Applicants acknowledge and thank the Office for withdrawing the rejection of claims 1, 2, and 5-9 under 35 U.S.C. 102(e) as being anticipated by Ishibashi et al. (US 2005/0064232).

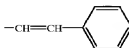
Applicants acknowledge and thank the Office for withdrawing the double patenting rejection over co-pending Application 10/487,584.

Claim Rejections under 35 U.S.C. § 102(a) over Tamura et al., JP 2002-246175

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1, 2 and 6-9 under 35 U.S.C. §102(a) as being anticipated by Tamura et al. (JP 2002-246175).

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl, such as generally depicted below:



In contrast, the compound presented by the Office from Tamura et al. (JP 2002-246175) contains a cyano-substituted naphthyl having a stylyl in the position corresponding to R^f.

Because the Office has failed to show how Tamura et al. (JP 2002-246175) teaches each and every element required by claim 1, such claim has not been shown as prima facie anticipated by the cited reference. The above argument applies equally to claims dependent on claim 1, such as claims 2 and 6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R⁵, R¹⁵, and R²⁷ are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be novel over Tamura et al. (JP 2002-246175).

Claim Rejections under 35 U.S.C. § 102(e) over Ishibashi et al., US 2002/0106530

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. §102(e) as being anticipated by Ishibashi et al. (US 2002/0106530 A1).

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl.

The compound presented by the Office from Ishibashi et al. (US 2002/0106530 A1) contains a first stylyl as -CH₂=CH₂-Y², given the Office's assertion that Y² is a phenyl amino. But the Office does not describe potential identities of Y¹. In discussing formula (I), Ishibashi et al. (US 2002/0106530 A1) recites that Y¹ can be (8) or (9), both forming a stylyl group in the position corresponding to R^f.

Because the Office has failed to show how Ishibashi et al. (US 2002/0106530 A1) teaches each and every element required by claim 1, such claim has not been shown as prima facie anticipated by the cited reference. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R⁵, R¹⁵, and R²⁷ are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be novel over Ishibashi et al. (US 2002/0106530 A1).

Claim Rejections under 35 U.S.C. § 102(e) over Ishibashi et al., US 2003/0099863

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. §102(e) as being anticipated by Ishibashi et al. (US 2003/0099863 A1).

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl.

In contrast, the compound presented by the Office from Ishibashi et al. (US 2003/0099863 A1) contains a cyano-substituted naphthyl having a stylyl in the position corresponding to R^f.

Because the Office has failed to show how Ishibashi et al. (US 2003/0099863 A1) teaches each and every element required by claim 1, such claim has not been shown as prima facie anticipated by the cited reference. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R⁵, R¹⁵, and R²⁷ are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be novel over Ishibashi et al. (US 2003/0099863 A1).

Claim Rejections under 35 U.S.C. § 102(e) over Ichimura et al., US 6,492,557

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1, 2 and 6-9 under 35 U.S.C. §102(e) as being anticipated by Ichimura et al. (US 6,492,557 B1).

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl.

In contrast, the compound presented by the Office from Ichimura et al. (US 6,492,557 B1) contains a cyano-substituted naphthyl having a stylyl in the position corresponding to R^f.

Because the Office has failed to show how Ichimura et al. (US 6,492,557 B1) teaches each and every element required by claim 1, such claim has not been shown as prima facie anticipated by the cited reference. The above argument applies equally to claims dependent on

claim 1, such as claims 2 and 6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R^5 , R^{15} , and R^{27} are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be novel over Ichimura et al. (US 6,492,557 B1).

Claim Rejections under 35 U.S.C. § 102(e) over Ishibashi et al., US 6,555,254

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Ishibashi et al. (US 6,555,254 B1).

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl.

In contrast, the compound presented by the Office from Ishibashi et al. (US 6,555,254 B1) contains a cyano-substituted naphthyl having a stylyl in the position corresponding to R^f .

Because the Office has failed to show how Ishibashi et al. (US 6,555,254 B1) teaches each and every element required by claim 1, such claim has not been shown as prima facie anticipated by the cited reference. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R^5 , R^{15} , and R^{27} are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be novel over Ishibashi et al. (US 6,555,254 B1).

Claim Rejections under 35 U.S.C. § 102(e) over Ishibashi et al., US 6,800,382

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Ishibashi et al. (US 6,800,382 B1).

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl.

In contrast, the compound presented by the Office from Ishibashi et al. (US 6,800,382 B1) contains a cyano-substituted naphthyl having a stylyl in the position corresponding to R^f .

Because the Office has failed to show how Ishibashi et al. (US 6,800,382 B1) teaches each and every element required by claim 1, such claim has not been shown as prima facie anticipated by the cited reference. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R^5 , R^{15} , and R^{27} are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be novel over Ishibashi et al. (US 6,800,382 B1).

Claim Rejections under 35 U.S.C. § 102(e) over Tadashi et al., US 6,265,088

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Tadashi et al. (US 6,265,088 B1).

To anticipate a claim, a reference must teach, expressly or inherently, each and every element required by the claim as interpreted by one of ordinary skill in the art. MPEP § 2131.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl.

In contrast, the compound presented by the Office from Tadashi et al. (US 6,265,088 B1) contains a cyano-substituted naphthyl having a stylyl in the position corresponding to R^f .

Because the Office has failed to show how Tadashi et al. (US 6,265,088 B1) teaches each and every element required by claim 1, such claim has not been shown as prima facie anticipated by the cited reference. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R^5 , R^{15} , and R^{27} are required to not be a stylyl.

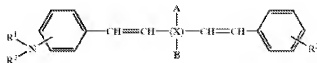
Furthermore, Applicants believe new claims 27-32 to be novel over Tadashi et al. (US 6,265,088 B1).

Obviousness-Type Double Patenting Rejections over US 6,800,382

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 1-9 as being patentably indistinct from US 6,800,382.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylyl.

In contrast, the claims of US 6,800,382 recite the following structure as formula (1):



From the above structure, it is clear that formula (1) of claim 1 of US 6,800,382 has a stylyl in the position corresponding to R¹. As such, the Office has failed to show how US 6,800,382 teaches all features required by claim 1 of the present application. Furthermore, there is no provided reason why one of skill in the art would modify the compositions of US 6,800,382 so as to reach the compositions described in claim 1 of the present application.

Therefore, claim 1 has not been shown as patentably indistinct over the claims of US 6,800,382. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R⁵, R¹⁵, and R²⁷ are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be patentably distinct over the claims of US 6,800,382.

Obviousness-Type Double Patenting Rejections over US 6,492,557

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 6-9 as being patentably indistinct from US 6,492,557.

Claim 6 requires R⁴¹, R⁴⁴, R⁴⁶, R⁴⁹, R⁵¹, R⁵⁴, R⁵⁶, R⁵⁸, R⁶⁰, R⁶², R⁶⁵, R⁶⁷, or R⁷⁰ of Formula 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, or 17, respectively, and corresponding positions in dependent claims, to not be a stylyl.

In contrast, the formula of US 6,492,557 recited by the Office contains a stylyl in the position corresponding to those described above. As such, the Office has failed to show how US 6,492,557 teaches all features required by claim 6 of the present application. Furthermore, there is no provided reason why one of skill in the art would modify the compositions of US 6,492,557 so as to reach the compositions described in claim 6 of the present application.

Therefore, claim 6 has not been shown as patentably indistinct over the claims of US 6,492,557. The above argument applies equally to claim 7, and claims dependent thereon, such as claims 8-9, to the extent that R¹ (and corresponding positions of dependent claims) is required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be patentably distinct over the claims of US 6,492,557.

Obviousness-Type Double Patenting Rejections over US 6,265,088

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 1-9 as being patentably indistinct from US 6,265,088.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylus.

In contrast, the formula of US 6,265,088 recited by the Office contains a stylus in the position corresponding to R^f . As such, the Office has failed to show how US 6,265,088 teaches all features required by claim 1 of the present application. Furthermore, there is no provided reason why one of skill in the art would modify the compositions of US 6,265,088 so as to reach the compositions described in claim 1 of the present application.

Therefore, claim 1 has not been shown as patentably indistinct over the claims of US 6,265,088. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R^5 , R^{15} , and R^{27} are required to not be a stylus.

Furthermore, Applicants believe new claims 27-32 to be patentably distinct over the claims of US 6,265,088.

Provisional Obviousness-Type Double Patenting Rejections over US App Ser No 10/009,021

Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of the nonstatutory provisional obviousness-type double patenting rejection of claims 1-9 as being patentably indistinct from US App Ser No 10/009,021.

Claim 1 requires R^f of Formula (A), and corresponding positions in dependent claims, to not be a stylus.

In contrast, the allowed claims of US App Ser No 10/009,021 (Issue Notification on June 25, 2007) contain a stylus in the position corresponding to R^f . As such, the Office has failed to show how US App Ser No 10/009,021 teaches all features required by claim 1 of the present application. Furthermore, there is no provided reason why one of skill in the art would modify the compositions of US App Ser No 10/009,021 so as to reach the compositions described in claim 1 of the present application.

Therefore, claim 1 has not been shown as patentably indistinct over the claims of US App Ser No 10/009,021. The above argument applies equally to claims dependent on claim 1, such as claims 2-6, as well as claim 7 and claims dependent thereon, such as claims 8-9, to the extent that R⁵, R¹⁵, and R²⁷ are required to not be a stylyl.

Furthermore, Applicants believe new claims 27-32 to be patentably distinct over the claims of US App Ser No 10/009,021.

CONCLUSION

Applicants respectfully request withdrawal of the rejections and believe that the claims as presented represent allowable subject matter. If the Examiner desires, Applicants welcome a telephone interview to expedite prosecution. Applicants petition the Office for a three month extension of time and submit herewith the requisite extension fee paid by credit card via EFS-Web. The Commissioner is hereby authorized to deduct any deficiency not covered by this credit card payment or credit any overpayment with respect to this response to Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHIN NATH & ROSENTHAL LLP

By: /David R. Metzger/
David R. Metzger
Reg. No. 32,919
Telephone No. 312.876.8600

ATTORNEYS FOR APPLICANT